

Minutes of a Regular Meeting Town of Los Altos Hills PLANNING COMMISSION

Approved 10/7/2010

THURSDAY, September 2, 2010, 7:00 p.m.
Council Chambers, 26379 Fremont Road

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

The regular meeting of the Planning Commission was called to order at 7:00 p.m. in the Council Chambers at Town Hall.

Present: Chairman Abraham and Commissioners: Clow, Collins, and Partridge.

Staff: Debbie Pedro, Planning Director; Brian Froelich, Associate Planner; Nicole Horvitz, Assistant Planner; and Victoria Ortland, Planning Secretary.

2. PRESENTATIONS FROM THE FLOOR - None

3. PUBLIC HEARINGS

Planning Commission Ex Parte Contacts Policy Disclosure: Commissioners Clow, Collins, and Partridge had spoken with Nobuko Cleary (Item 3.1). Chairman Abraham had spoken to the Mark Pearson and Gary and Nobuko Cleary (Item 3.1).

- 3.1. LANDS OF PEARSON, 26301 Silent Hills Lane; File #60-10-ZP-SD-GD; A request for a Site Development Permit for an 8,086 sq. ft. two-story new residence (maximum height: 31 feet), a 1,321 sq. ft. detached garage, and 1,929 sq. ft. swimming pool. The applicant is requesting a Grading Policy exception for cut of up to 14 feet and fill of up to five (5) feet for the house and yard. CEQA Review: Categorical Exemption per Section 15303 a & e (staff-Brian Froelich).

Brian Froelich, Associate Planner, presented the staff report for the proposed new two-story residence, swimming pool, and Grading Policy exception for the 2.14-acre parcel with a 16.7 percent slope. Two developed properties on Silent Hills Lane share the private right-of-way with the project site. Constraints exist for siting the residence because fault traces run through the property and create human habitation setback requirements. Grading Policy exceptions for up to 14 feet of cut are requested to lower the structure and reduce visible bulk. The Pathways Committee recommendation included installation of a Type IIB pathway along Altamont Road (public) to continue an existing path and installation of a native pathway along Altamont Lane (public) and Silent Hills Lane (private). The applicant's property does not extend to the center of Silent Hills Lane, which presents the question about road ownership and rights of access. Because the applicant does not own a portion of the road, a ten-foot wide pathway easement inside the property, located partially over a sloped area, would be an alternative. The recommended condition of approval number 26 gave the applicant opportunity to prove ownership over Silent Hills Lane or dedicate a pathway easement inside the property line.

Commissioner Clow asked staff who owned Silent Hills Lane.

Staff said it most likely Julie Eshner, the original property owner, as there does not appear to be record of conveyance to another party.

Chairman Abraham said that there was an existing pathway in use along the Perrell's property line and Silent Hills Lane was also used as a path. Also, why was a pathway on Silent Hills Lane necessary when there was an existing pathway along Altamont Road?

Staff stated that as a private road, Silent Hills Lane does not have a public right of access.

OPENED PUBLIC HEARING

Kurt Anderson, architect, explained the scope of the project including the constraints created by the view easement, sewer and water easement, utility easement, pathway easement and the fault lines. The Grading Policy exceptions were requested for placement of the detached garage, dictated by the seismic issues, and to lower the house to reduce the visual mass.

Maurice Camargo, architect, said the house will exceed Title 24 standards by 15 percent.

Kurt Anderson stated that because of the steep slope in the requested 10-foot pathway easement, installation of the pathway along Silent Hills Lane would be difficult, costly, and require large retaining walls. The pathway would also affect the applicant's privacy. The adjacent neighbors do not support the recommendation for a pathway on Silent Hills Lane. He requested approval of the application with the deletion of condition of approval number 26 and modification of number 16. The applicant was not in support of the pathways easements for Silent Hills Lane or Altamont Lane.

Maurice Camargo questioned how the Town would perform maintenance on a pathway along Silent Hills Lane if the road was privately held.

Commissioner Clow asked the applicant if he knew who owned Silent Hills Lane.

Mark Pearson, applicant, said he did not know who held ownership of the road.

Nobuko Cleary, Silent Hills Lane, strongly opposed the recommended pathway along Silent Hills Lane, because it is a private road. The pathway would destroy the view from the front of her property and entrance from Silent Hills Lane. There is an existing pathway along Altamont Road at the back of her property and a pathway along the side property line shared with the Perrells. She requested no changes to the existing conservation easement.

Commissioner Clow asked if Nobuko Cleary knew who owned Silent Hills Lane.

Nobuko Cleary believed that Silent Hills Lane belonged to the three property owners on the road.

Gary Cleary, Silent Hills Lane, thought that the three property owners on the road (Cleary, Perrell, and Pearson) held ownership of Silent Hills Lane. He felt that Silent Hills Lane was already a good path to use and could see no reason to install a new pathway.

Eileen Gibbons, Pathways Committee Chairman, emphasized that the Pathways Committee did not want to build the pathway on the steep area of Pearson's property but preferred the flat area beside the roadway. But because Silent Hills Lane is a private road, there is no way to create an easement to walk across without trespassing. The Committee thought the applicant's property line went to the center of Silent Hills Lane, so the pathway could be installed on the roadside. Although in use currently, the private road could, in the future, be restricted from public access.

Chairman Abraham did not feel that the pathway along Silent Hills Lane was needed because of the existing pathway along Altamont Road.

Nick Dunckel, Pathways Committee, said that Silent Hills Lane is a cul-de-sac that will service three driveways when the Pearson's driveway is completed. A roadside pathway is required on cul-de-sac when connecting to an off-road pathway. As a private road, Silent Hills Lane has no guarantee for future public use.

Kurt Anderson again requested that the Planning Commission approve the proposed project with deletion of condition of approval number 26 and modification of condition of approval 16.

Commissioner Partridge asked if the lower roof pitch of the proposed residence meet Town requirements.

Staff explained that due to the increased height of the structure (31') a 4:12 roof pitch was required.

Chairman Abraham had concerns about the reflectivity of the roofing material and requested restriction of the reflectivity value of the completed roof to no more than 40.

CLOSED PUBLIC HEARING

Commissioner Clow supported the project, Grading Policy exception, and pathways easement. Safety issues warrant the need for pathways along both public and private roads. The location for the proposed pathway, as described in condition of approval number 26, is undesirable. Determining ownership of Silent Hills Lane would facilitate granting of an easement for placement of the public pathway along the roadside to allow people to legally walk on the path that connects to Eshner Court.

Commissioner Partridge supported the project and felt there was value in connecting the existing off-road path leading from Eshner Court to the proposed path on Silent Hills Lane. He could support a five-foot wide pathway easement on the Pearson's property, although locating a ten-foot wide pathway easement in the road right of way should be encouraged. If the Town would take ownership of Silent Hills Lane, the roads' legal status and issue of trespassing would be resolved. Confirmation of the legal owners of Silent Hills Lane should be included as part of the Site Development Permit.

Commissioner Collins supported the project and Grading Policy exception. The Grading Policy exception allowed the profile of the house to be lowered into the hill. She did not support the request for a pathways easement. She believed the pathways system was an asset to Los Altos Hills; however, there seemed no reason to require an easement along Silent Hills Lane. Her lack of support for the easement was fostered by the Pearson's property boundary not extending to the center of the road, the question of road ownership, the number of existing pathways affecting the parcel, and neighborhood opposition to the pathway.

Chairman Abraham supported the project and Grading Policy exception. The existing pathway on Altamont Road was adequate and people already used Silent Hills Lane for passage; therefore, no pathway easement was needed on Silent Hills Lane. He said the official Pathways Map from 2005 shows no markings for pathways on Silent Hills Lane.

Staff clarified that in 2005 the City Council had approved the off-road Pathways Map that did not include any on-road pathways. That map documented the removal of the easement from the Perrell property as well as maintaining the connection from Eshner Court to Silent Hills Lane. General Plan Policy 2.4 addresses roadside paths on cul-de-sacs and according to the Municipal Code's definition, Silent Hills Lane is considered a cul-de-sac. General Plan Policy 2.4 requires a roadside path where it would connect to an off-road path.

REOPENED PUBLIC HEARING

Kurt Anderson proposed installation of the pathways along Altamont Road and Altamont Lane but not on Silent Hills Lane. The three homeowners on Silent Hills Lane would continue to allow people to walk on the road.

CLOSED PUBLIC HEARING

Commissioner Partridge suggested continuing the project until the next Planning Commission meeting and the question of the road ownership resolved.

Kurt Anderson stated again that the applicant does not want a pathway easement on their property along Silent Hills Lane.

Staff said that the applicant could be directed to attempt clarification of ownership of Silent Hills Lane since there was an established maintenance agreement.

Commissioner Partridge said that the statement confirming the applicant's opposition to a pathway easement on Silent Hills Lane contradicts the offer to allow people to walk on the road.

Chairman Abraham felt that the applicant alone could not grant the easement until ownership of the road was known.

Mark Helton, Civil Engineer, explained the division of the original owner's (Julie Eshner) property into the three Silent Hills Lane parcels. At the time Los Altos Hills rejected Silent Hills Lane, the title went back to the original owner. The Town could accept the road and abandon it to the three current property owners on Silent Hills Lane and the pathways easement could be dedicated to the Town.

Mark Pearson, applicant, did not understand why a pathways easement would be required on his property when people already use Silent Hills Lane.

MOTION MADE, SECONDED, AND PASSED BY ROLL CALL VOTE: Motion made by Commissioner Clow and seconded by Commissioner Partridge to continue the Site Development Permit application to a future Planning Commission meeting with direction to the applicant to research the ownership of Silent Hills Lane and develop a proposal that would allow the project to be approved as a whole.

AYES: Commissioners: Clow, Collins, Partridge, and Chairman Abraham
NOES: None
ABSENT: Commissioner Harpootlian

This item will be continued to a future Planning Commission meeting.

- 3.2 Amendments to the Zoning and Site Development Codes to include the Fast Track Guide and checklist as part of the Fast Track Process (Section 10-2.1305.1) and remove the term "Design Guidelines" in Sections 10-1.502, 10-1.503, 10-1.504, 10-1.505, and 10-2.1305.

Nicole Horvitz, Assistant Planner, presented the staff report explaining that on July 15, 2010, the City Council voted to adopt the Fast Track Guide for New Residences. Several of the existing Municipal Code Sections must be amended to include the Fast Track Guide and checklist into the Municipal Code. The term, Design Guidelines, must be removed from the Municipal Code because it is no longer applicable.

Commissioner Partridge confirmed addition of the word "or" to Code Section 10-2.1305.1.

Commissioner Clow felt that the definition of the checklist point system should be included earlier in the table and the 15 to 21 point option to redesign should be explained more clearly on the table.

Staff explained that these minor items could be accommodated administratively because the context of the document remained unchanged.

Commissioner Clow said that there was a change in the process, with the checklist point system, for neighbor opposition and the opportunity for a project to be heard before the Planning Commission.

OPENED PUBLIC HEARING

Sandra Humphries, Fremont Road, felt that the Fast Track Guide for New Residences removed chances for resident's input on proposed projects from all areas except Fast Track. She was not sure that was a good idea. She felt that people were only seeing half of what used to be in the Guide. The Fast Track meetings were still being held at a time that was inconvenient for most people to attend (daytime instead of evening as in the past).

CLOSED PUBLIC HEARING

Commissioner Clow supported the Fast Track Guide and checklist.

Commissioner Partridge felt the spirit of the General Plan was being followed with the Fast Track Guide. The change in the process may be more difficult for neighbors with concerns about a proposed project.

Commissioner Collins agreed that there might be more of a burden put on concerned neighbors, but notification would still occur and the opportunity for comment still existed.

Chairman Abraham felt the Fast Track Guide was an attempt to fix a process that was not broken; however, the document was well done. Neighbors will not be adversely affected by the change in process.

MOTION MADE, SECONDED, AND PASSED BY VOICE VOTE: Motion made by Commissioner Clow and seconded by Commissioner Collins to forward a recommendation to the City Council to approve the amendments to the Zoning and Site Development Ordinances and remove the term "Design Guidelines" from Sections of the Municipal Code.

AYES: Commissioners: Clow, Collins, Partridge, and Chairman Abraham
NOES: None
ABSENT: Commissioner Harpootlian

This item will be forwarded to a future meeting of the City Council.

4. OLD BUSINESS – none.

5. NEW BUSINESS – none.

6. REPORTS FROM CITY COUNCIL MEETINGS

6.1 Planning Commission Report for August 19 – Cancelled

6.2 Planning Commission Representative for September 16 – Commissioner Harpootlian

6.3 Planning Commission Representative for October 21 – Commissioner Collins

7. APPROVAL OF MINUTES

7.1 Approval of August 5, 2010 minutes.

MOTION MADE, SECONDED, AND PASSED BY CONSENSUS: Motion by Commissioner Clow and seconded by Commissioner Partridge to approve the August 5, 2010 minutes.

AYES: Commissioners: Clow, Collins, Partridge, and Chairman Abraham

NOES: None

ABSENT: Commissioner Harpootlian

8. REPORT FROM FAST TRACK MEETING – AUGUST 17, 2010

8.1 LANDS OF GALLELLO, 13040 East Sunset Drive; File #26-10-ZP-SD-GD; A request for a Site Development Permit for a 4,406 square foot new residence with a secondary dwelling unit (Maximum height: 27 feet). CEQA Review: Categorical Exemption per Section 15303 (a) (CONTINUED FROM THE AUGUST 10, 2010 FAST TRACK MEETING) (staff-Nicole Horvitz) (approved with conditions).

9. REPORTS FROM SITE DEVELOPMENT MEETINGS – AUGUST 10 AND AUGUST 31, 2010

9.1 LANDS OF PUN & TSEUNG, 27935 Roble Blanco Drive; File #58-10-ZP-SD; A request for a Site Development Permit for a 942 square foot addition that includes a secondary dwelling unit (maximum height 26'). CEQA review: Categorical Exemption per Section 15301 (e) (staff-Brian Froelich) (approved with conditions).

9.2 LANDS OF LOPOTIOUK, 11885 Francemont Drive; File #114-10-ZP-SD; A request for a Site Development Permit for landscape screening for a 5,133 square foot two story new residence approved on May 26, 2009. CEQA review: Categorical Exemption per Section 15304 (b) (CONTINUED FROM THE AUGUST 24, 2010 SITE DEVELOPMENT MEETING) (staff-Nicole Horvitz) (approved with conditions).

9.3 LANDS OF BRIDGES, 12254 Tapa Way; File #130-10-ZP-SD; A request for a Site Development Permit for an 890 square foot first and second floor addition (max height: 25'). CEQA review: Categorical Exemption per Section 15301 (e) (staff-Brian Froelich) (approved with conditions).

9.4 LANDS OF YU, 14329 Miranda Way; File #149-09-ZP-SD; A request for a Site Development Permit for landscape screening for a 5,601 square foot two story new residence approved on November 7, 2006. CEQA review: Categorical Exemption per Section 15304 (b) (staff-Nicole Horvitz) (approved with conditions).

10. ADJOURNMENT

The meeting was adjourned by consensus at 9:28 p.m.

Respectfully submitted,

Victoria Ortland
Planning Secretary